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In re Application of LOPEZ-RODRIGUEZ et al. :
Application No.: 10/587,792 :
PCT No.: PCT/EP05/00840 : DECISION ON REQUEST
Int. Filing Date: 28 January 2005 :
Priority Date: 30 January 2004 :
Attorney Docket No.: 6102-000031/NP :
For: DIAZA- OR THIAZADIONE :
DERIVATIVES WITH :
NEUROPROTECTIVE ACTIVITY

This decision is issued in response to applicant's "Response to Decision on Request Dated 10 December 2007" filed 18 March 2008 which is being treated as a Petition to Correct Inventorship under 37 CFR 1.497(d). No petition fee is due.

BACKGROUND

On 28 January 2005, applicant filed international application PCT/EP05/00840 which claimed a priority date of 30 January 2004. The published international application identified five applicant/inventors for the United States: Maria Luz LOPEZ RODRIGUEZ; Bellinda BENHAMU SALAMA; Joaquin DEL RIO ZAMBRANA; Diana FRECHILLA MANSO; and Isabel MARCO MARTINEZ. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 31 July 2006.

On 31 July 2006, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee; a copy of the international application; and a preliminary amendment.

On 27 February 2007, the United States Designated/Elected Office mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a two-month time limit in which to respond.

On 16 August 2007, applicant filed a request under 37 CFR 1.497(d). In a decision dated 10 December 2007, applicant's request under 37 CFR 1.497(d) was dismissed without prejudice.

On 18 March 2008, applicant filed the present renewed request under 37 CFR 1.497(d).

DISCUSSION

The present submission seeks to correct the inventorship so as to remove inventor Isabel MARCO MARTINEZ from the application. Where, as here, the inventorship in the national stage declaration is not consistent with the inventorship in the international application, applicants must correct the inventorship pursuant to 37 CFR 1.497(d), which states the following:

- (d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by:
 - (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part;
 - (2) The processing fee set forth in § 1.17; and
 - (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignees (see § 3.73(b) of this chapter).
 - (4) any new oath or declaration required by paragraph (f) of this subsection.

Applicant's submission satisfies the requirements of 37 CFR 1.497(d). Applicant has submitted a statement from each person being deleted as an inventor in compliance with 37 CFR 1.497(d)(1). The \$130 processing fee required under 37 CFR 1.1497(d)(2) has been submitted. And applicant has submitted a statement of consent by the assignee, along with a copy of the Assignment document by which the assignee obtained its interest in the present application.

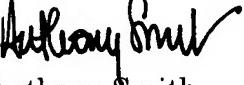
Based on the above, applicant's request to delete Isabel MARCO MARTINEZ as an inventor is appropriately granted. Based on this correction, the declaration filed on 16 August 2007 (which named Maria Luz LOPEZ RODRIGUEZ; Bellinda BENHAMU SALAMA; Joaquin DEL RIO ZAMBRANA; and Diana FRECHILLA MANSO) is acceptable under 37 CFR 1.497.

CONCLUSION

Applicant's request for correction of inventorship under 37 CFR 1.497(d) is
GRANTED.

Isabel MARCO MARTINEZ has been deleted as an inventor.

This application is being forwarded to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accordance with this decision.


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